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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Benjamin Statemeyer	)	File No.: EB-FIELDNER-14-00017214
Licensee of Radio Station WIBV	)	
Facility ID No. 15485	)	NOV No.: V201532320001
Mount Vernon, Illinois	)	

**NOTICE OF VIOLATION**

**Released: October 9, 2014**

By the District Director, Chicago Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Benjamin Statemeyer, licensee of FM Station WIBV in Mount Vernon Illinois. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On July 16, 2014, an agent of the Enforcement Bureau's Chicago Office inspected Station WIBV at its main studio at 498 Brink Road, Irvington, Illinois, and observed the following violations:

- a. 47 C.F.R § 11.61(b): "Entries shall be made in EAS Participant records, as specified in 11.35(a)." At the time of inspection, there was no station log made available regarding EAS tests sent or received during the period of January 15, 2014 through July 15, 2014.
- b. 47 C.F.R § 73.1400: "The licensee of an AM, FM, TV or Class A TV station is responsible for assuring that at all times the station operates within tolerances specified by applicable technical rules contained in this part and in accordance with the terms of the station authorization. Any method of complying with applicable tolerances is permissible. [...] Remote control of the transmission system by a person at the main studio or other location ... must provide sufficient transmission system monitoring and control capability so as to ensure compliance with § 73.1350." At the time of the inspection, the Sine Systems remote control equipment was not functional.

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<sup>1</sup>47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

- c. 47 C.F.R. S 73.3526(e)(12): “Radio issues/programs lists. For commercial AM and FM broadcast stations, every three months a list of programs that have provided the station’s most significant treatment of community issues during the preceding three month period. The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (e.g., January 10 for the quarter October-December, April 10 for the quarter January-March, etc.). The list shall include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. The description of the programs shall include, but shall not be limited to, the time, date, duration, and title of each program in which the issue was treated.” At the time of inspection, Station WIBV was missing issues/programs lists for the first two quarters for the calendar year 2014.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Commission’s Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Benjamin Stratemeyer must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Commission’s rules, we direct Benjamin Stratemeyer to support his response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by Benjamin Stratemeyer, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Chicago Office  
1550 North Northwest Highway, Room 306  
Park Ridge, IL 60068

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup>Section 1.16 of the Commission’s rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>6</sup>18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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6. This Notice shall be sent to Benjamin Stratemeyer at his address of record.

7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Dennis E. White  
Acting District Director  
Northeast Region  
Enforcement Bureau

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<sup>7</sup>P.L. 93-579, 5 U.S.C. § 552a(e)(3).